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SENATE BILL 6763

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State of Washington                      60th Legislature                      2008 Regular Session

By Senators Tom, Kohl-Welles, and Kline

Read first time 01/23/08. Referred to Committee on Judiciary.

1            AN ACT Relating to the National Instant Criminal Background Check  
2 System Improvement Amendments Act of 2007; and creating new sections.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            NEW SECTION.    **Sec. 1.** (1) On January 8, 2008, the National Instant  
5 Criminal Background Check System Improvement Amendments Act of 2007  
6 became federal law. In that law, congress made a finding that between  
7 1998 and 2004 about nine hundred sixteen thousand individuals were  
8 prohibited from purchasing a firearm because they failed a background  
9 check through the national instant criminal background check system, or  
10 NICS. Congress also found that the current NICS is unable to access  
11 nearly twenty-one million criminal records, and millions of existing  
12 records in the system are missing critical data, such as arrest  
13 dispositions, due to data backlogs. Because of these data  
14 deficiencies, some persons who should have been prohibited from  
15 obtaining firearms were able to purchase firearms and use them to  
16 commit serious crimes. Congress found that the primary cause of delays  
17 and deficiencies in the national instant criminal background check  
18 system is the lack of updates, available state criminal disposition  
19 records, and automated access to information concerning persons

1 prohibited from possessing or receiving a firearm because of mental  
2 illness, restraining orders, or misdemeanor convictions for domestic  
3 violence.

4 (2) To implement the NICS Improvement Amendments Act, congress  
5 appropriated one billion one hundred twenty-five million dollars in  
6 grant funds to assist states in developing and improving their  
7 electronic data systems. In order to be eligible for these new federal  
8 grants, states must provide to the United States attorney general, by  
9 July 6, 2008, a reasonable estimate of the number of the records that  
10 concern persons who are prohibited from possessing or receiving a  
11 firearm under Title 18, United States Code, including the number of  
12 persons:

- 13 (a) Convicted of a felony;
- 14 (b) Convicted of a misdemeanor crime of domestic violence;
- 15 (c) With outstanding arrest warrants;
- 16 (d) Who are users or addicted to illegal drugs as demonstrated by  
17 arrests, convictions, or adjudications and whose record is not  
18 protected from disclosure to the United States attorney general under  
19 any provision of state or federal law;
- 20 (e) Who have been adjudicated as a "mental defective," as defined  
21 by federal law, or committed to a mental institution and whose record  
22 is not protected from disclosure to the United States attorney general  
23 under any provision of state or federal law; and
- 24 (f) Subject to a domestic violence order.

25 (3) After provision of the estimate in subsection (2) of this  
26 section, the state is eligible for federal grants to assist the state  
27 in designing and building a data system to report the necessary  
28 information to the NICS. Failure to provide an estimate described in  
29 subsection (2) of this section could result in the loss of other  
30 federal public safety grants awarded under the Omnibus Crime Control  
31 and Safe Streets Act.

32 NEW SECTION. **Sec. 2.** The legislature directs the Washington state  
33 patrol, the department of licensing, and the administrative office of  
34 the courts to establish a work group, with the Washington state office  
35 of the attorney general, and any other necessary offices, agencies, and  
36 departments, to develop a written plan for providing the estimate  
37 required under the NICS Improvement Amendments Act of 2007. The work

1 group must report back to the legislature and the Washington state  
2 office of the attorney general with the plan for providing the estimate  
3 no later than May 1, 2008. The Washington state attorney general is  
4 authorized to collect and deliver the estimate to the United States  
5 attorney general.

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